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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,625	12/11/2003	Valerie M. Bennett	RSW920030295US1	2663
43168	7590	10/21/2010	EXAMINER	
MARCIA L. DOUBET LAW FIRM			ENGLAND, DAVID E	
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KISSIMMEE, FL 34742			ART UNIT	PAPER NUMBER
			2443	
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			10/21/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,625	<b>Applicant(s)</b> BENNETT ET AL.	
	<b>Examiner</b> DAVID E. ENGLAND	<b>Art Unit</b> 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 14 – 16, 18 and 20 – 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14 – 16, 18 and 20 – 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/13/2010</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 14 – 16, 18 and 20 – 25 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. The newly amended limitation of “expiration of a timer which operates **independently** of the electronic calendar of the user”, is not taught in the Applicant’s specification as being “independent” of the calendar. Applicant is asked to point to specific sections of the specification for support of their newly added limitation.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**6. Claims 1, 14 – 16, 18, 20 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al., (2004/0043758 hereinafter Sorvari) in view of Currans et al. (6731393 hereinafter Currans).**

7. Referencing claims 1, 20 and 21, as closely interpreted by the Examiner, Sorvari teaches enabling users to subscribe to content in a computing environment, comprising:

8. identifying a content access behavior pattern of a user, (e.g., ¶ 0054, 0055, 0059 & 0167-0168);

9. responsive to the identifying, consulting a mapping that associates content access behavior patterns of users with corresponding candidate content subscriptions to be offered to users exhibiting the associated content access behavior patterns, thereby determining a selected one of the candidate content subscriptions which corresponds to the identified content access behavior pattern of the user, and selected on indicating a subset of content generated by a content source, (e.g., ¶ 0061 – 0067, 0073-0078, 0194 – 0197 et seq.);

10. generating a markup language document representing the determined candidate content subscription, (e.g., ¶ 0166 – 0173 & Figures 10 – 11H);

11. offering, to the user on a graphical user interface device, a subscription to the subset of the content by rendering a subscription interface for the subset, the subscription interface comprising a Web page which is distinct from a Web page usable for rendering the content generated by the content source, (e.g., ¶ 0166 – 0173, 0179-0181, 0194 – 0197 et seq. & Figures 9A – 11H);

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12. responsive to acceptance of the offered subscription by the user, storing a trigger document associated with the user and the content, the trigger document specifying at least one condition associated with the subset, (e.g., ¶ 0166 – 0173, 0179-0181 & Figures 9A – 11H); and
13. subsequently evaluating a then-current version of the content generated by the content source, using the at least one condition specified in the trigger document, to determine whether a then-current version of the subset of the then-current version of the content is considered a match to the at least one condition, and if so, automatically sending the then-current version of the subset to the user as the subscription, (e.g., ¶ 0011, 0062, 0086-0088, 0123 and 0194 – 0197 et seq.).
14. Sorvari teaches the use of calendar information, (e.g., ¶ 0308), but does not specifically subsequently evaluating a then-current version of the content generated by the content source, using the at least one condition specified in the trigger document, to determine whether a then-current version of the subset of the then-current version of the content is considered a match to the at least one condition, and if so, automatically sending the then-current version of the subset to the user as the subscription and scheduling time on a electronic calendar of the user.
15. Currans teaches subsequently evaluating a then-current version of the content generated by the content source, using the at least one condition specified in the trigger document, to determine whether a then-current version of the subset of the then-current version of the content is considered a match to the at least one condition, and if so, automatically sending the then-current version of the subset to the user as the subscription and scheduling time on a electronic calendar of the user, (e.g., col. 12, line 58 – col. 13, line 52 & Figures 6 - 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Currans

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with Sorvari because utilizing a user calendar to have information sent to the user enables the user to dictate when they would receive information and not have information sent every time a match is made from the trigger. This would also lessen the amount of network traffic in the system.

16. As per claim 14, as closely interpreted by the Examiner, Sorvari does not specifically teach the subsequently evaluating is invoked responsive to expiration of a timer which operates independently of the electronic calendar of the user.

17. Currans teaches the subsequently evaluating is invoked responsive to expiration of a timer which operates independently of the electronic calendar of the user, (e.g., col. 16, lines 24 et seq., time sensitive information). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Currans with Sorvari because scheduling using multiple types of criteria allows the user to have personal information sent to them in real time and not have to wait till other timers are triggered.

18. As per claim 15, as closely interpreted by the Examiner, Sorvari teaches the subsequently evaluating is invoked responsive to occurrence of an event, (e.g., ¶ 0194 – 0197 et seq.).

19. As per claim 16, as closely interpreted by the Examiner, Sorvari teaches the identifying is performed by an inference engine, (e.g., ¶ 0091).

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20. As per claim 18, as closely interpreted by the Examiner, Sorvari teaches the identifying comprises identifying how the user interacts with a rendering of the content which is generated by the content source, (e.g., ¶ 0190).

21. As per claim 22, as closely interpreted by the Examiner, Sorvari and Currans teach each of the at least one condition specified in the trigger document comprises a data name and a data value, (e.g., Sorvari ¶ 0059, 0123 et seq., 0180—0183, filtering and changing settings on an interface that is an XML file, or “document” that is stored at a server., Currans col. 9, lines 27 et seq., col. 13, lines 10 et seq., Figures 2 - 6).

22. As per claim 23, as closely interpreted by the Examiner, Sorvari and Currans teach each of the at least one condition specified in the trigger document further comprises a comparison operator, (e.g., Sorvari ¶ 0059, 0123 et seq., 0180—0183, filtering and changing settings on an interface that is an XML file, or “document” that is stored at a server., Currans col. 9, lines 27 et seq., col. 13, lines 10 et seq., Figures 2 - 6).

23. As per claim 24, as closely interpreted by the Examiner, Sorvari and Currans teach the trigger document further specifies at least one process to be invoked subsequently evaluating determines that the then-current version of the subset is considered a match to the at least one condition, (e.g., Sorvari ¶ 0059, 0123 et seq., 0180—0183, filtering and changing settings on an interface that is an XML file, or “document” that is stored at a server., Currans col. 9, lines 27 et seq., col. 13, lines 10 et seq., Figures 2 - 6).

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24. The limitations of claim 25 are similar to the ones stated above and are therefore rejected for the same cited reasons stated above.

***Response to Arguments***

25. Applicant's arguments filed 09/03/2010 have been fully considered but they are not persuasive.

26. **In the Remarks**, Applicant argues in substance that Currans does not specifically teach “scheduling time on an electronic calendar of the user”. More specifically that the Applicant’s invention states automatic scheduling of time on the user’s calendar can be defined as an action to be taken when a subscription match occurs. Furthermore, there is no motivation to combine Currans with Sorvari.

27. As to these remarks, the interpretation of electronic calendar is as stated in the prior art, wherein the trigger that would send information to a user is the calendar information and for this calendar date to trigger sending information to the user one would have to have a clock or calendar of sorts to keep track of what date and time it is for the information to be sent. It is unknown what the Applicant is interpreting more into electronic calendar, i.e., more of an Outlook interface, which is not claimed. The scheduled time could also be interpreted as the date itself which is a moment in time as opposed to time in hours and minutes. Regardless, the prior art teaches both interpretations as cited above.



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28. For the newly amended claim language, the Applicant is asked to view the cited areas above for their teachings.

29. As to the other Remarks, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### *Conclusion*

30. **Applicant is invited to contact the Examiner for an interview if they feel it would further prosecution and aid in coming to an agreement on claim language and interpretation.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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